

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) KERR-McGEE CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-05-276-L
	)	
(1) CARL C. ICAHN; (2) BARBERRY	)	
CORPORATION; (3) HOPPER	)	
INVESTMENTS, LLC;(4) HIGH RIVER	)	
LIMITED PARTNERSHIP; (5) ICAHN	)	
PARTNERS MASTER FUND LP;	)	
(6) ICAHN OFFSHORE LP; (7) CCI	)	
OFFSHORE, LLC;(8) ICAHN PARTNERS,	)	
LP; (9) ICAHN ONSHORE, LP; (10) CCI	)	
ONSHORE, LLC; (11) JANA PARTNERS	)	
LLC; (12)BARRY ROSENSTEIN; and	)	
(13) GARY CLAAR;	)	
	)	
Defendants.	)	

**NOTICE TO THE COURT AND OBJECTION**

Defendants 1-10: Carl C. Icahn; Barberry Corporation; Hopper Investments, LLC; High River Limited Partnership; Icahn Partners Master Fund LP; Icahn Offshore LP; CCI Offshore, LLC; Icahn Partners, LP; Icahn Onshore, LP; and CCI Onshore, LLC (the "Icahn Defendants"), hereby notify the court of their objection to Plaintiff's request to shorten Defendants' response time, contained within Plaintiff's Motion for Expedited Trial, Bifurcation of Issues, and Expedited Discovery. Plaintiff's Complaint was filed on March 11, 2005; Plaintiff's Amended Complaint was filed March 14, 2005. The instant motion was filed March 17, 2005, served at 5:33 p.m. CST, and requests that Defendants be ordered to submit a next-day response, on March 18<sup>th</sup>. The Icahn Defendants object.

The Icahn Defendants do not request the full complement of response time set forth in LCvR 7.2 (e), but instead ask the court to allow them until Monday, March 21, 2005 to file their response.

Respectfully submitted,

/s/Timothy D. DeGiusti

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Attorneys for Defendants 1-10: Carl C. Icahn; Barberry Corporation; Hopper Investments, LLC; High River Limited Partnership; Icahn Partners Master Fund LP; Icahn Offshore LP; CCI Offshore, LLC; Icahn Partners, LP; Icahn Onshore, LP; and CCI Onshore, LLC.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of March, 2005, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants: Harry A. Woods and Charles B. Goodwin, of the law firm Crowe & Dunlevy, and mailed a copy of the attached document to any attorney of record who is not an ECF participant.

/s/Timothy D. DeGiusti